



# FIDUCIARY BOARD

Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Hearing Room 109

**May 11, 2017**  
**10:30 p.m.**

## Approved Regular Meeting Minutes

### MEMBER ATTENDANCE:

#### Present:

#### Telephonically Present:

#### Absent:

Deborah Primock	Honorable Jay Polk	Emily Kile
Elaine Acosta Sweet	Teresa Lancaster	
Gary Krcmarik	Diana Corry	
Catherine Robbins	Leonard Montanaro	

### OTHER ATTENDEES:

#### AOC Staff:

#### Guests:

Michelle Martinez	Eric Haley
Debbie MacDougall	Jen Latter
Wil Castro	Yvonne Stallings
Hal White	
Pasquale Fontana	
Brianna Farmer	

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## CALL TO ORDER

*Called to Order By:*

Deborah Primock, Chair

*Time:*

10:30 a.m.

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### 1) REVIEW AND APPROVAL OF MEETING MINUTES

*Individuals Addressing the Board:*

*Deborah Primock, Chair*

*1-A: Review, discussion and possible action regarding the regular session minutes of the meeting held on March 9, 2017.*

*Discussion:* None.

*Motion:* Consideration of and motion to approve the regular session minutes from March 9, 2017.

*Motion Proposals:* First Elaine Sweet  
Second Gary Krcmarik

*Motion Results:* Pass

*1-B: Review, discussion and possible action possible action regarding the regular session minutes of the meeting held on April 10, 2017.*

*Discussion:* None.

*Motion:* Consideration of and motion to approve the regular session minutes from April 10, 2017.

*Motion Proposals:* First Gary Krcmarik  
Second Elaine Sweet

*Motion Results:* Pass

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## 2) PENDING COMPLAINTS/ RENEWAL OF LICENSURE

***Individuals Addressing the Board:***

***Hal White***

**2-A:** *Review, discussion and possible actions regarding complaint number 14-0011:*

- i. Involving license holder, Kay Kozak*
- ii. Renewal of licensure involving Kay Kozak*

***Discussion:***

Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Kay Kozak has not committed the alleged act(s) of misconduct as detailed in Allegation 3 of the Investigation Summary and Allegation Analysis Report in complaint number 14-0011.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Kay Kozak has committed the alleged act(s) of misconduct as detailed in Allegation 1, 2, 4, 5, 6, 7 of the Investigation Summary and Allegation Analysis Report in complaint number 14-0011

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration for act(s) of misconduct for preparing powers of attorney and a will.

It is further recommended the Board issue a Censure.

Based on the recommendation regarding the aforementioned complaint number, it is recommended to grant renewal of licensure for Kay Kozak.

***Motion:***

Motion to reject staff's recommendation and revoke licensure.

***Motion Proposals:***

First Catherine Robbins

Second Gary Krcmarik

***Motion Results:***

Pass

***Individuals Addressing the Board:***

***Hal White***

**2-B:** *Review, discussion and possible action regarding complaint number 14-0012, involving license holder, Fred Brinckerhoff.*

***Discussion:***

Staff recommends the Board accept the finding of the Probable Cause Evaluator and enter a finding Fred Brinckerhoff has not committed the alleged act(s) of misconduct as detailed in Allegations 2 and 3 of the Investigation Summary and Allegation Analysis Report in complaint number 14-0012.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Fred Brinckerhoff has committed the alleged act(s) of misconduct as detailed in Allegations 1 and 4 of the Investigation Summary and Allegation Analysis Report in complaint number 14-0012.

It is recommended the Board enter a finding grounds for informal disciplinary action exists for act(s) of misconduct by notarizing Rubino's signature when his spouse and Marik benefited from the documents notarized and as an employee of Marik, serving both in the capacity as the fiduciary/caregiver and third party liquidator.

It is further recommended the Board issue a Letter of Concern to Fred Brinckerhoff.

Based on the recommendation regarding the aforementioned complaint number, it is recommended to grant renewal of licensure for Fred Brinckerhoff.

**Motion:** Motion to reject staff's recommendation for informal discipline as to Allegations 1 and 4, and move for revocation of licensure.

**Motion Proposals:** First Catherine Robbins  
Second Elaine Sweet

**Motion Results:** Pass

**Motion:** Judge Polk moves to reject staff's recommendation as to Allegation 2, substantiate the allegation and include it as part of the motion for revocation.

**Motion Proposals:** First Hon. Jay Polk  
Second Elaine Sweet

**Motion Results:** Pass

**Individuals Addressing the Board:**

**Pasquale Fontana**

**2-C:** *Review, discussion and possible action regarding complaint number 16-0013, involving license holder, Donna Allison-Howard.*

**Discussion:** On October 11, 2016, the Division received a written complaint against licensed fiduciary, Donna Allison-Howard.

On April 14, 2017, Ms. Allison-Howard's attorney, Mark Andersen, notified Division staff that she passed away on or about April 14, 2017. Further, Mr. Andersen's office has petitioned the Arizona Superior Court seeking substitution of guardian/conservator for all court appointments.

The Division recommends the Board close the investigation.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Elaine Sweet  
Second Gary Krcmarik

**Motion Results:** Pass

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### 3) INITIAL LICENSURE AND ELIGILITY

**Individuals Addressing the Board:**

**Hal White**

**3-A:** *Review, discussion and possible action regarding the following applications for initial individual and business licensure.*

1. Susan Pratt
2. Kimberlie Musselman
3. Zen Freelance Fiduciary Solutions, LLC

**Discussion:** Staff recommends the Board grant initial fiduciary licensure.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Gary Krcmarik  
Second Catherine Robbins

**Motion Results:** Pass

4. Eric Hanley
5. Andrew Stone
6. Rochelle Pones

**Discussion:** Staff recommends the Board grant initial fiduciary licensure.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Judge Jay Polk

**Motion Results:** Pass

**Individuals Addressing the Board:**

**Wil Castro**

7. Vikki Whipple

**Discussion:** Staff recommends initial fiduciary licensure with non-disclosure language.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Gary Krcmarik  
**Motion Results:** Pass

8. Yvonne Stallings

**Discussion:** Staff recommends initial licensure with non-disclosure language and additional cautionary language that (i) emphasizes the importance that a fiduciary shall avoid self-dealing, conflict of interest or impropriety, or the appearance of a conflict of interest or impropriety and (ii) the importance of assuring her actions and the actions of the Apache County Public Fiduciary's Office are code compliant in all situations.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Gary Krcmarik  
**Motion Results:** Pass

**Note:** Yvonne Stallings was present.

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**4) RENEWAL OF LICENSURE APPLICATIONS:**

**Individuals Addressing the Board:**

**Wil Castro**

**4-A:** *Review, discussion and possible action regarding the following applications for renewal of individual and business entity licensure.*

1. Arizona care Advocates, PC (Debra McPherson)
2. Assurance Fiduciary & Financial Services, PLLC (Sarah Holcomb)
4. Esteemed Life Solutions, LLC (Kelly Crane)
5. Jewish Family and Children's Services of Southern Arizona (Marshall Herron)
6. Fred Appel
7. Debra Bailey
8. Shannon Bennett
9. Mary Jane Dicresce
10. James Elliott
11. Nicole Escalante
12. Tamarah Fitzsimmons
13. Deborah Gilliland
14. Cathleen Gray
15. Patricia Grenier
16. Pamela Johnston
17. Mitchell Keamy
18. Michael Klecka

- 20. Gregory Loughridge
- 22. Gary Pope
- 23. Rashiel Salem
- 24. Diana Serna
- 25. John Tully

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Gary Krcmarik

**Motion Results:** Pass

- 3. Bogutz & Gordon, PC (Craig Wilson)

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Gary Krcmarik

**Motion Results:** Pass

**Recusal:** Teresa Lancaster

- 19. Ann Lander

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Teresa Lancaster  
Second Leonard Montanaro

**Motion Results:** Pass

**Recusal:** Catherine Robbins

- 21. Anna Maria Martelli

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Elaine Sweet  
Second Teresa Lancaster

**Motion Results:** Pass

**Recusal:** Deborah Primock

26. Pamela Walsma

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Judge Jay Polk  
Second Gary Krcmarik

**Motion Results:** Pass

**Recusal:** Catherine Robbins

27. Donna Benjamin

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Elaine Sweet

**Motion Results:** Pass

- 28. Charles Fuss
- 29. Shawnie Patterson
- 30. Catherine Robbins
- 31. Mary Trevillian
- 32. Catherine Yoshida-Corella
- 33. Maricopa County Public Fiduciary

**Discussion:** Staff recommends renewal of licensure be granted.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Gary Krcmarik  
Second Elaine Sweet

**Motion Results:** Pass

**Recusal:** Catherine Robbins

34. Jennifer Murray

**Discussion:** Staff recommends renewal of licensure be granted with non-disclosure language.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Elaine Sweet  
Second Gary Krcmarik

**Motion Results:** Pass  
**Recusal:** Catherine Robbins

35. Maureen Edwards and Maureen Edwards, LLC

**Discussion:** Staff recommends renewal of licensure be granted with non-disclosure language.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Judge Jay Polk

**Motion Results:** Pass

36. Naketa Ross

**Discussion:** Staff recommends denial of renewal of fiduciary licensure for failing to cooperate with or supply information to the Director, Deputy Director, Division Staff or Board by the specific time stated in multiple requests.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Judge Jay Polk

**Motion Results:** Pass

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5) **LICENSURE AND ELIGIBILITY**

**Individuals Addressing the Board:**

**5-A:** *Review, discussion and possible action regarding the request for an extension to complete continuing education requirements from licensee, Judy Nicholson.*

**Discussion:** Staff recommends renewal of fiduciary licensure for Judy Nicholson with continuing education remedial actions. On or before May 31, 2018, the applicant will provide the Division with proof of completed continuing education for the present licensure period. The 5 hours of CE earned during this renewal period to make up will not count towards current requirements.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Leonard Montanaro  
Second Gary Krcmarik

**Motion Results:** Pass

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**6) ADMINISTRATIVE ISSUES**

***Individuals Addressing the Board:***

***Michelle Martinez***

**6-A:** *Update on subcommittee to review possible Code changes involving guidelines concerning bankruptcies and other financial disclosure issues.*

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**CALL TO PUBLIC**

***Individuals Addressing the Board:*** None.

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**ADJOURNMENT**

***Time:*** 11:59 a.m.